

AMEND ACT TO ENABLE PEOPLE OF NEW MEXICO TO
FORM A STATE GOVERNMENT

FEBRUARY 24, 1925.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. MORROW, from the Committee on the Public Lands, submitted
the following

REPORT

[To accompany S. 1660]

The Committee on the Public Lands, to whom was referred S. 1660, to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government, and be admitted into the Union on an equal footing with the original States," having considered the same, reports favorably thereon with the following amendment:

Page 1, line 10, after the word "granted," insert a comma and the words "which may be included in a drainage district,"

The report of the Senate committee on this bill is made a part of this report.

[Senate Report No. 338, Sixty-eighth Congress, first session]

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 1660) to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State Government and be admitted into the Union on an equal footing with the original States," having considered the same, report favorably thereon with the following amendment:

On page 1, line 11, after the word "established" insert the words "against any such lands."

The bill was referred to the Secretary of the Interior, who furnished the committee with a report thereon, copy of which is hereto attached, and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, March 6, 1924.

Hon. I. L. LENROOT,
*Chairman Committee on Public Lands and Surveys,
United States Senate.*

MY DEAR SENATOR LENROOT: I have your request for report on S. 1660, to amend the New Mexico enabling act approved June 20, 1910 (36 Stat. 557).

Section 10 of the aforesaid act of June 20, 1910 (36 Stat. 557), provided that all lands granted by such act, together with those theretofore granted to the Territory, shall be held by the said State in trust, and the lands and the proceeds thereof shall be disposed of only for the purposes indicated in the grants. It was declared that any disposition of the lands or the proceeds in a manner contrary to the provisions of the act "shall be deemed a breach of trust." The Supreme Court, in the case of *Ervien, Commissioner of Public Lands of the State of New Mexico v. United States* (251 U. S. 41), held:

"There is in the enabling act a specified enumeration of the purposes for which the lands were granted, and the enumeration is necessarily exclusive of any other purpose."

The proposed amendment would authorize the State to subject the income from the lands granted to assessments under the general drainage law of the State.

The enactment of the bill will materially modify the policy expressed by the Congress in the enabling act. The matter is, however, wholly within the discretion of the Congress.

Sincerely yours,

HUBERT WORK.

